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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Silke HINNAH et al.

Application No.: 10/539,628

Group Art Unit: 1637

Filed: April 24, 2006

Examiner: CALAMITA, Heather

For: METHOD FOR DETECTING AN ANALYTE IN A SAMPLE

TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith please find:

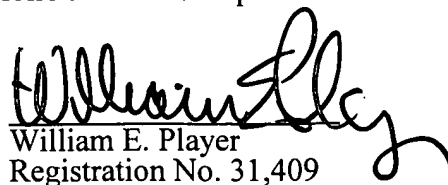
- ☒ Response to Restriction Requirement
- ☐ Fee payment ☐ Payment Form PTO-2038 (credit card) for \$ is attached.
- ☐ Charge \$ to Deposit Account No. 06-1358.
- ☐ Small entity status established in connection with the subject application.

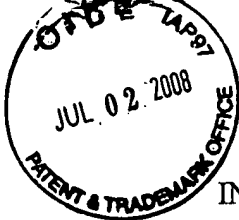
Fee Calculation					
Excess Claims					
	Nº of Claims	Highest Nº Paid For	Excess Claims	Small Entity Fee	Large Entity Fee
Total	*	⊖ * =	0	⊗ \$25 = \$	⊗ \$50 = \$
Ind.	*	⊖ * =	0	⊗ \$105 = \$	⊗ \$210 = \$
() Multiple Dependent Claims (1 st Filing)				⊕ \$185 =	⊕ \$370 = \$
Excess Claims Fee				\$	\$
Extension of Time Fee				\$	\$
Other:				\$	\$
Total Fee Due				\$0	\$0

- ☒ If a petition for extension of time is necessary, but not enclosed, then this acts as the petition. Charge any fees additionally necessary in connection herewith to Deposit Account No. 06-1358.

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Date: July 2, 2008
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By


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Application No.: 10/539,628

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For: METHOD FOR DETECTING AN ANALYTE IN A SAMPLE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

This paper responds to the Office Action (restriction) mailed June 11, 2008.

Pursuant to the restriction requirement under 35 USC §121, election is made, hereby, to prosecute invention Group I, claims 1-38, with traverse.

Traverse is maintained because the restriction mistakenly indicates that restriction is required "between product and process claims" (Office Action, page 3). All pending claims are process claims.

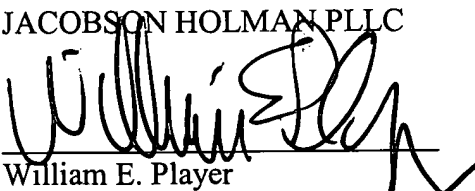
Traverse is also maintained since the restriction mistakenly states "The method of at least claims 39-40 are not limited in scope so as to require the method of at least claim 1. . ." (Office Action, page 2). However, present claim 39 recites "the method according to claim 1. . .", and claim 40 recites "use of the method according to claim 1. . ." Therefore, claims 39 and 40 are limited in scope to claim 1 and should, therefore, be rejoined with the subject matter of claim 1. Withdrawal of the restriction requirement appears to be in order.

Favorable action is requested.

Respectfully submitted,

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